

Appl. No. 10/605,428  
Arndt. dated May 19, 2005  
Reply to Office action of March 23, 2005

### REMARKS

**Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being unpatentable over Reber (USP 6,393,070)**

5       Applicant has amended independent claims 1 and 16 to include the limitations that the switched capacitor circuit and method are utilized within an oscillator circuit, wherein the positive side capacitor is further connected to an oscillator node in the oscillator circuit. No new matter is entered by these amendments. In particular, support for these amendments is illustrated in Fig.5 and found in paragraph [0029] stating that "the capacitor 50 is connected  
10 between the first oscillator node OSC\_P and a node A."

Applicant asserts that the teachings of Reber do not anticipate the present invention as claimed in currently amended claims 1 and 16 because Reber does not disclose a switched capacitor circuit having the same structure or a method for switching off a switched capacitor circuit having every limitation as stated in currently amended claims 1 and 16, respectively.

15      In Fig.4, Reber shows "a detailed diagram of a first order sigma delta modulator." (col 4, lines 42-43) As described by Reber, "the embodiment shown is in the form a switched capacitor circuit." (col 4, lines 44-45) That is, the switched capacitor circuit disclosed by Reber is for use within a first order sigma delta modulator and is not in an oscillator circuit wherein the positive side capacitor is further connected to an oscillator node in the oscillator circuit, as  
20 claimed in currently amended claim 1. For at least this reason, applicant asserts Reber does not anticipate the present invention as claimed in currently amended claim 1. Claim 16 is a corresponding method claim having similar amendments and applicant asserts it is not anticipated by the teachings of Reber for the same reason.

Moreover, applicant asserts that the present invention as claimed in currently  
25 amended claims 1 and 16 is not obvious given the teachings of Reber. In particular Reber does not suggest or teach how the circuit structure shown in Fig.4 could be used within an oscillator circuit to prevent the clock feedthrough effect. In Fig.4, the capacitor 51A is utilized

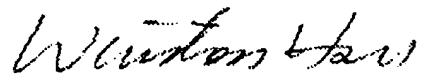
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to process charge in regards to a sigma delta modulator. For example, as taught by Reber, "the charge on the integration capacitors 53A and 53B is finally processed with data dependent charge coming from the voltage VREF via the capacitors 51B and 51A in the feedback stage." (col 5, lines 46-49) No motivation is provided by Reber that the circuit 5 structure of Fig.4 would be beneficial if utilized within an oscillator circuit to prevent the clock feedthrough effect. For at least this reason, applicant asserts the present invention as claimed in currently amended claims 1 and 16 is not obvious given the teachings of Reber and would require further inventive process.

Because Reber neither anticipates the present invention nor renders the present 10 invention obvious as claimed in currently amended claims 1 and 16, applicant asserts currently amended claims 1 and 16 should be found allowable with respect to Reber. Claims 3-15 and 18-30 are dependent claims previously found allowable by Examiner, and applicant does not anticipate the above amendments will affect their allowability. Consideration of currently amended claims 1 and 16 and their dependent claims is respectfully requested.

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Sincerely yours,



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